

Union Calendar No. 310

112TH CONGRESS
2^D SESSION

H. R. 3310

[Report No. 112-443]

To amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2011

Mr. SCALISE (for himself and Mr. WALDEN) introduced the following bill;
which was referred to the Committee on Energy and Commerce

APRIL 16, 2012

Additional sponsors: Mrs. BLACKBURN, Mr. BASS of New Hampshire, Mr. TERRY, Mr. LANCE, Mr. KINZINGER of Illinois, Mr. STEARNS, Mr. KLINE, and Mr. LATTA

APRIL 16, 2012

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on November 2, 2011]

A BILL

To amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Federal Communica-*
 5 *tions Commission Consolidated Reporting Act of 2012”.*

6 **SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.**

7 *Title I of the Communications Act of 1934 (47 U.S.C.*
 8 *151 et seq.) is amended by adding at the end the following:*

9 **“SEC. 14. COMMUNICATIONS MARKETPLACE REPORT.**

10 *“(a) IN GENERAL.—In the last quarter of every even-*
 11 *numbered year, the Commission shall publish on its website*
 12 *and submit to the Committee on Energy and Commerce of*
 13 *the House of Representatives and the Committee on Com-*
 14 *merce, Science, and Transportation of the Senate a report*
 15 *on the state of the communications marketplace.*

16 *“(b) CONTENTS.—Each report required by subsection*
 17 *(a) shall—*

18 *“(1) assess the state of competition in the com-*
 19 *munications marketplace, including competition to*
 20 *deliver voice, video, and data services among pro-*
 21 *viders of telecommunications, providers of commercial*
 22 *mobile service (as defined in section 332), multi-*
 23 *channel video programming distributors (as defined*
 24 *in section 602), broadcast stations, providers of sat-*

1 *elite communications, Internet service providers, and*
2 *other providers of communications services;*

3 *“(2) assess the state of deployment of commu-*
4 *nications capabilities, including advanced tele-*
5 *communications capability (as defined in section 706*
6 *of the Telecommunications Act of 1996 (47 U.S.C.*
7 *1302)), regardless of the technology used for such de-*
8 *ployment, including whether advanced telecommuni-*
9 *cations capability is being deployed to all Americans*
10 *in a reasonable and timely fashion;*

11 *“(3) assess whether laws, regulations, or regu-*
12 *latory practices (whether those of the Federal Govern-*
13 *ment, States, political subdivisions of States, Indian*
14 *tribes or tribal organizations (as such terms are de-*
15 *defined in section 4 of the Indian Self-Determination*
16 *and Education Assistance Act (25 U.S.C. 450b)), or*
17 *foreign governments) pose a barrier to competitive*
18 *entry into the communications marketplace or to the*
19 *competitive expansion of existing providers of commu-*
20 *nications services;*

21 *“(4) describe the agenda of the Commission for*
22 *the next 2-year period for addressing the challenges*
23 *and opportunities in the communications marketplace*
24 *that were identified through the assessments under*
25 *paragraphs (1) through (3); and*

1 “(5) describe the actions that the Commission
2 has taken in pursuit of the agenda described pursuant
3 to paragraph (4) in the previous report submitted
4 under this section.

5 “(c) *SPECIAL REQUIREMENTS.*—

6 “(1) *ASSESSING COMPETITION.*—In assessing the
7 state of competition under subsection (b)(1), the Com-
8 mission shall consider all forms of competition, in-
9 cluding the effect of intermodal competition, facilities-
10 based competition, and competition from new and
11 emergent communications services, including the pro-
12 vision of content and communications using the
13 Internet.

14 “(2) *ASSESSING DEPLOYMENT.*—In assessing the
15 state of deployment under subsection (b)(2), the Com-
16 mission shall compile a list of geographical areas that
17 are not served by any provider of advanced tele-
18 communications capability.

19 “(3) *INTERNATIONAL COMPARISONS AND DEMO-*
20 *GRAPHIC INFORMATION.*—The Commission may use
21 readily available data to draw appropriate compari-
22 sons between the United States communications mar-
23 ketplace and the international communications mar-
24 ketplace and to correlate its assessments with demo-
25 graphic information.

1 “(4) *CONSIDERING SMALL BUSINESSES.*—*In as-*
 2 *sessing the state of competition under subsection*
 3 *(b)(1) and regulatory barriers under subsection*
 4 *(b)(3), the Commission shall consider market entry*
 5 *barriers for entrepreneurs and other small businesses*
 6 *in the communications marketplace in accordance*
 7 *with the national policy under section 257(b).’.*”

8 **SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CON-**
 9 **FORMING AMENDMENTS.**

10 (a) *ORBIT ACT REPORT.*—*Section 646 of the Commu-*
 11 *nications Satellite Act of 1962 (47 U.S.C. 765e; 114 Stat.*
 12 *57) is repealed.*

13 (b) *SATELLITE COMPETITION REPORT.*—*Section 4 of*
 14 *Public Law 109–34 (47 U.S.C. 703) is repealed.*

15 (c) *INTERNATIONAL BROADBAND DATA REPORT.*—*Sec-*
 16 *tion 103 of the Broadband Data Improvement Act (47*
 17 *U.S.C. 1303) is amended—*

18 (1) *by striking subsection (b); and*

19 (2) *by redesignating subsections (c) through (e)*
 20 *as subsections (b) through (d), respectively.*

21 (d) *STATUS OF COMPETITION IN THE MARKET FOR*
 22 *THE DELIVERY OF VIDEO PROGRAMMING REPORT.*—*Sec-*
 23 *tion 628 of the Communications Act of 1934 (47 U.S.C.*
 24 *548) is amended—*

25 (1) *by striking subsection (g);*

1 (2) *by redesignating subsection (j) as subsection*
 2 *(g); and*

3 (3) *by transferring subsection (g) (as redesign-*
 4 *ated) so that it appears after subsection (f).*

5 *(e) REPORT ON CABLE INDUSTRY PRICES.—*

6 (1) *IN GENERAL.—Section 623 of the Commu-*
 7 *nications Act of 1934 (47 U.S.C. 543) is amended—*

8 *(A) by striking subsection (k); and*

9 *(B) by redesignating subsections (l) through*
 10 *(n) as subsections (k) through (m), respectively.*

11 (2) *CONFORMING AMENDMENT.—Section*
 12 *613(a)(3) of the Communications Act of 1934 (47*
 13 *U.S.C. 533(a)(3)) is amended by striking “623(l)”*
 14 *and inserting “623(k)”.*

15 (f) *TRIENNIAL REPORT IDENTIFYING AND ELIMI-*
 16 *NATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS*
 17 *AND OTHER SMALL BUSINESSES.—Section 257 of the Com-*
 18 *munications Act of 1934 (47 U.S.C. 257) is amended by*
 19 *striking subsection (c).*

20 (g) *SECTION 706 REPORT.—Section 706 of the Tele-*
 21 *communications Act of 1996 (47 U.S.C. 1302) is amend-*
 22 *ed—*

23 *(1) in subsection (b)—*

24 *(A) in the last sentence, by striking “If the*
 25 *Commission’s determination is negative, it” and*

1 inserting “If the Commission determines in its
 2 report under section 14 of the Communications
 3 Act of 1934 that advanced telecommunications
 4 capability is not being deployed to all Americans
 5 in a reasonable and timely fashion, the Commis-
 6 sion”; and

7 (B) by striking the first and second sen-
 8 tences;

9 (2) by striking subsection (c);

10 (3) in subsection (d), by striking “this sub-
 11 section” and inserting “this section”; and

12 (4) by redesignating subsection (d) as subsection
 13 (c).

14 (h) *STATE OF COMPETITIVE MARKET CONDITIONS*
 15 *WITH RESPECT TO COMMERCIAL MOBILE RADIO SERV-*
 16 *ICES.*—Section 332(c)(1)(C) of the Communications Act of
 17 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking the
 18 first and second sentences.

19 (i) *PREVIOUSLY ELIMINATED ANNUAL REPORT.*—

20 (1) *IN GENERAL.*—Section 4 of the Communica-
 21 tions Act of 1934 (47 U.S.C. 154) is amended—

22 (A) by striking subsection (k); and

23 (B) by redesignating subsections (l) through

24 (o) as subsections (k) through (n), respectively.

(2) *CONFORMING AMENDMENTS.*—*The Communications Act of 1934 is amended—*

(A) *in section 9(i), by striking “In the Commission’s annual report, the Commission shall prepare an analysis of its progress in developing such systems and” and inserting “The Commission”; and*

(B) *in section 309(j)(8)(B), by striking the last sentence.*

(j) *ADDITIONAL OUTDATED REPORTS.*—*The Communications Act of 1934 is further amended—*

(1) *in section 4—*

(A) *in subsection (b)(2)(B)(ii), by striking “and shall furnish notice of such action” and all that follows through “subject of the waiver”; and*

(B) *in subsection (g), by striking paragraph (2);*

(2) *in section 215—*

(A) *by striking subsection (b); and*

(B) *by redesignating subsection (c) as subsection (b);*

(3) *in section 227(e), by striking paragraph (4);*

(4) *in section 309(j)—*

(A) *by striking paragraph (12); and*

1 (B) in paragraph (15)(C), by striking
2 *clause (iv)*;

3 (5) in section 331(b), by striking the last sen-
4 *tence*;

5 (6) in section 336(e), by amending paragraph
6 (4) to read as follows:

7 “(4) *REPORT.*—The Commission shall annually
8 advise the Congress on the amounts collected pursuant
9 to the program required by this subsection.”;

10 (7) in section 339(c), by striking paragraph (1);

11 (8) in section 396—

12 (A) by striking subsection (i);

13 (B) in subsection (k)—

14 (i) in paragraph (1), by striking sub-
15 paragraph (F); and

16 (ii) in paragraph (3)(B)(iii), by strik-
17 ing subclause (V);

18 (C) in subsection (l)(1)(B), by striking
19 “shall be included” and all that follows through
20 “The audit report”; and

21 (D) by striking subsection (m);

22 (9) in section 398(b)(4), by striking the third
23 *sentence*;

24 (10) in section 624A(b)(1)—

1 (A) by striking “REPORT; REGULATIONS”
2 and inserting “REGULATIONS”;

3 (B) by striking “Within 1 year after” and
4 all that follows through “on means of assuring”
5 and inserting “The Commission shall issue such
6 regulations as are necessary to assure”; and

7 (C) by striking “Within 180 days after”
8 and all that follows through “to assure such com-
9 patibility.”; and

10 (11) in section 713, by striking subsection (a).

11 **SEC. 4. EFFECT ON AUTHORITY.**

12 Nothing in this Act or the amendments made by this
13 Act shall be construed to expand or contract the authority
14 of the Federal Communications Commission.

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